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RULES PROCESSING TEAM

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February 28, 2006

Ms. Amy White  
Department of the Interior  
Minerals Management Service  
Attn: Rules Processing Team (RPT)  
381 Elden Street, MS-4024  
Herndon, VA 20170-4817

SENT BY FACSIMILE

RE: Alternate Energy-Related Uses on the Outer Continental Shelf – 1010-AD30

Dear Ms. White:

I am writing to provide comments on the above referenced matter, namely the Minerals Management Service's ("MMS") Advanced Notice of Proposed Rulemaking ("ANPR") on development of a regulatory program to implement Section 388 of the Energy Policy Act of 2005, which concerns alternative energy development on the Outer Continental Shelf ("OCS").

Maine's primary interests in proximate areas of the OCS have long been restoration, protection and enhancement of commercial fish stocks and its commercial fishing industry. In recent years, Maine has worked steadily to rebuild and protect the world-class scallop, ground fish and other fisheries on Georges Bank and elsewhere in the region, which for generations have helped fuel New England's economy and define its character and way of life. Maine fishing families and their counterparts elsewhere in the region have invested heavily in the rejuvenation and protection of these fisheries resources. Any program that MMS develops to provide access to the OCS in the Gulf of Maine for alternative energy development should not compromise the significant public and private investment in or biological sustainability of these important fisheries.

The priority that the State places on ensuring the sustainability of OCS fisheries is paired with strong support for and encouragement of development of its indigenous, renewable energy resources, including wind power and tidal power, as vital means to address New England's dangerous over-dependence on oil and gas resources. With leadership from the Office of Energy Independence and Security established by Governor Baldacci, the State has made significant strides in identifying and spearheading demand side reductions and fostering development of renewable energy options, including wind and tidal power resources at appropriate sites.

In light of these interests in both the ecological and energy resources on the OCS, the State recognizes that development of criteria for identifying existing uses, including commercial fisheries, in areas proposed for

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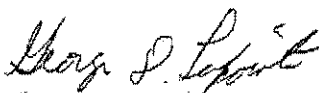
access for alternative energy development and for addressing potentially competing needs among existing and proposed uses will be a key element of MMS' program. MMS' program should provide for close coordination with federal and state fisheries management agencies, including Maine's Department of Marine Resources, and potentially affected resource users to develop and later implement rules for OCS access that ensure decisions are based on the best available information, do not compromise the sustainability of OCS fisheries, and avoid and minimize use conflicts to the extent practicable.

We also note that it is foreseeable that OCS development of alternative energy sources may involve associated landside development and use of state-owned submerged lands, for the placement of underwater cables for example, concerning which a state must consider other uses and the public interest in making pertinent decisions as a regulator and proprietor. MMS' program and regulations should provide for consideration of such landside issues in environmental analyses of proposed projects as well as agency planning activities, and acknowledge and ensure that applicants consult and coordinate with pertinent state agencies in a timely manner. In addition, the program and regulations should ensure timely consultation with coastal states regarding both proposed projects and agency planning activities that involve foreseeable proposed use of state-owned submerged lands.

Under Section 307(c)(1) of the Coastal Zone Management Act, the federal consistency provision, Maine and other coastal states with an approved coastal zone management program have the authority to ensure that federal activities in or affecting resources or uses in the coastal zone are consistent with pertinent state enforceable policies. MMS' program should explicitly recognize and account for this state authority and include measures that ensure early consultation with potentially affected coastal states to identify potential issues, in keeping with the CZMA's encouragement of federal-state partnership in managing ocean resources.

Thank you for the opportunity to comment on this ANPR. We look forward to further participation in this rulemaking process.

Sincerely,



George Lapointe  
Commissioner  
Maine Department of Marine Resources



Kathleen Leyden  
Director  
Maine Coastal Program

cc: Maine Congressional Delegation